



**ORKNEY**  
ISLANDS COUNCIL

**Item: 5**

**Orkney Islands Area Licensing Board: 11 December 2025.**

**Application for Review of Personal Licence OI685.**

**Gary Crowther.**

**Report by Clerk to the Board.**

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## **1. Overview**

- 1.1. Gary Crowther holds personal licence OI685 and was resident in Orkney at the time of issue of the licence.
- 1.2. Police Scotland have submitted a report detailing matters inconsistent with the licensing objectives and requesting that the personal licence held by Gary Crowther be reviewed.
- 1.3. Where a licensing board receives a request for a personal licence review the Board must hold a hearing.

## **2. Recommendations**

- 2.1. It is recommended that the Licensing Board:
  - i. Determines whether the request from Police Scotland provides sufficient information to proceed to consider any action on personal licence OI685 held by Gary Crowther.
  - ii. Determines whether to make an order to revoke, suspend or endorse the personal licence OI685 held by Gary Crowther.

## **3. Background**

- 3.1. Gary Crowther holds personal licence OI685, which was issued on 4 November 2024 when he was residing in Orkney. The personal licence is valid until 5 November 2034.
- 3.2. Police Scotland, by email on 11 November 2025, intimated a report in terms of section 84A of the Licensing (Scotland) Act 2005 (the “2005 Act”). The Police Scotland report details that the licence holder has acted in a manner inconsistent with licensing objectives and is attached as Appendix 1 to this report

- 3.3. The licensing objectives referred to by Police Scotland are preventing crime and disorder, securing public safety and protecting children and young persons from harm.
- 3.4. In their report, Police Scotland suggest that revocation of the personal licence is appropriate.
- 3.5. A copy of the report from Police Scotland was forwarded to the licence holder by email and recorded delivery post on 18 November 2025. The licence holder was advised that the report from Police Scotland would be considered at a meeting of the Licensing Board on 11 December 2025. The licence holder was also advised that the licensing legislation provided an opportunity for him to be heard and that he should arrange to attend the meeting. Mr Crowther was also advised that he should consider seeking independent legal advice.

#### **4. Legislative Position**

- 4.1. In terms of Paragraph 12(2) of Schedule 1 of the 2005 Act, meetings of the Licensing Board must be held in public. Paragraph 12(3) of Schedule 1 of the 2005 Act provides that members of a Licensing Board may, before the Board decides any matter, conduct their deliberations on the matter in private. Therefore, whilst the report must be made public and the decision must be made in public, the discussion can be held in private if the Licensing Board determines this to be appropriate.
- 4.2. Requirements relating to personal licences are contained within Part 6 of the 2005 Act as amended by the Air Weapons and Licensing (Scotland) Act 2015.
- 4.3. A personal licence under the 2005 Act permits the holder to supervise or authorise the sale of alcohol. Applicants must be at least 18 years of age, be in possession of an approved licensing qualification, not hold any other personal licences and not have had a personal licence revoked within the preceding period of 5 years (other than revocation for failure to complete mandatory refresher training). The licence holder met these requirements at the time the licence was granted.
- 4.4. In terms of the Act, a personal licence is granted for a period of 10 years. However, the licence holder requires to complete a refresher licensing qualification within 5 years of the issue of the personal licence and provide evidence of doing so.

- 4.5. In terms of section 84A of the 2005 Act, if the Chief Constable considers that any personal licence holder has acted in a manner inconsistent with any of the licensing objectives, the Chief Constable may report the matter to the relevant Licensing Board. Where a Licensing Board receives such a report the Board must hold a hearing.
- 4.6. The licensing objectives are:
- Preventing crime and disorder.
  - Securing public safety.
  - Preventing public nuisance.
  - Protecting and improving public health.
  - Protecting children and young persons from harm.
- 4.7. It is provided for in the 2005 Act that, after giving the licence holder and such other persons as considered appropriate, an opportunity to be heard, if satisfied that it is necessary to do so for any of the licensing objectives the Licensing Board may make an order to:
- Revoke.
  - Suspend for such period, not exceeding 6 months, as the Board considers appropriate, or.
  - Endorse.
- The personal licence held by the licence holder.
- 4.8. Where the Licensing Board makes an order to revoke, suspend or endorse the personal licence, the Board must give the licence holder concerned notice of the order and the reasons for making it.
- 4.9. Relevant and foreign offences are prescribed in terms of section 129 of the 2005 Act and the Licensing (Relevant Offences) (Scotland) Regulations 2007 (the “2007 Regulations”). The matters detailed in the report from Police Scotland are relevant offences in terms of the 2007 Regulations.
- 4.10. In determining whether to revoke, suspend or endorse a licence, the Licensing Board must act proportionately. The action proposed to be taken should not be disproportionate having regard to the objective sought to be achieved by the action, any conduct in question, its extent and gravity and any other relevant considerations, including mitigating factors. It is for the Board to weigh up the relevant considerations and determine where the balance should be struck in the public interest.

**For Further Information please contact:**

Gavin Mitchell, Clerk to the Board, extension 2233, email [gavin.mitchell@orkney.gov.uk](mailto:gavin.mitchell@orkney.gov.uk).

**Implications of Report**

1. **Financial:** None.
2. **Legal:** The legal aspects are contained within the body of this report.
3. **Corporate Governance:** In terms of the Licensing (Scotland) Act 2005 the Board must hold a hearing to consider and determine a personal licence review.
4. **Human Resources:** None.
5. **Equalities:** None.
6. **Island Communities Impact:** None.
7. **Environmental and Climate Risk:** None.
8. **Risk:** None.
9. **Procurement:** None.
10. **Health and Safety:** None.

**List of Background Papers**

Personal Licence OI685 held by Gary Crowther.

**Appendix**

Police Scotland report in terms of section 84A of the Licensing (Scotland) Act 2005.

11/10/2025

Your Ref: OI/685

Our Ref: 238536

Orkney Islands Licensing Board  
 Corporate Services  
 Orkney Islands Council  
 Council Offices  
 School Place  
 Kirkwall  
 Orkney  
 KW15 1NY



Kirkwall Police Station  
 Burgh Road  
 Kirkwall  
 Orkney  
 KW15 1AH

Dear Sir,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 84A. REPORT OF CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES. PERSONAL LICENCE HOLDER: GARY JAMES CROWTHER, [REDACTED]**

**LICENCE NO: OI/685**

The Chief Constable hereby reports to the Licensing Board in terms of Section 84A of the Licensing (Scotland) Act 2005 that Gary Crowther, has acted in a manner which is inconsistent with the licensing objectives articulated at Section 4(1) of Act, namely:

- Preventing Crime and Disorder
- Securing Public Safety
- Protecting Children and Young Persons from Harm.

Mr Crowther obtained a Personal Licence from Orkney Licensing Board on the 4<sup>th</sup> of November 2024. It is due to expire on the 5<sup>th</sup> of November 2034.

Mr Crowther has been convicted of the following relevant offences. Further to this on PVG Mr Crowther is now child and adult BARRED.

| Date                        | Court                     | Crime/Offence   | Disposal  |
|-----------------------------|---------------------------|---|---|
| 02/07/2025<br>PSSNKR7PN0325 | Kirkwall<br>Sheriff Court | 1. Section 52(1)(A)<br>Civic Government<br>(Scotland) Act 1982<br>– Child sexual<br>offence against a<br>male under 13. | Section 76<br>indictment.<br>Charge 1 – Sex<br>Offender<br>Notification<br>Requirement.<br>Charge 3 – Forfeit |

## OFFICIAL

|  |  |   |   |
|--|--|---|---|
|  |  | 2. Section 51A (1)<br>Civic Government<br>(Scotland) Act 1982<br>– sexual<br><br>3. Section 38(1)<br>Criminal Justice and<br>Licensing<br>(Scotland) Act 2010 | productions<br><br>Charges 1 – 3 –<br>Sentence is<br>deferred until the<br>13 <sup>th</sup> of August 2025<br>the imprisonment<br>14 months starting<br>21/03/2025 and<br>sentence extended<br>under Section 210A<br>Criminal Procedure<br>(Scotland) Act 1995<br>for 1 year. |
|--|--|---|---|

The following information is provided for the Board's consideration.

PSSNKR7PN0325

On the 20<sup>th</sup> of March 2025, Police attended the home address of Mr Crowther in possession of a search warrant due to intelligence that the licence holder had been linked to child sexual abuse images online.

Police were afforded entry into Mr Crowthers home where a mobile phone in his possession was seized. Mr Crowther provided the PIN code to officers.

Specialist officers who were in attendance at the address viewed the content of the mobile phone seized and noted it contained sexual images of children between 8 and 10 years old as well as sexual images of an extreme nature.

Mr Crowther was arrested and conveyed to Kirkwall Police Station for processing and interview. Mr Crowther admitted the offences further detailing that he had sexual thoughts of children who entered his workplace.

Mr Crowther was held in Police custody to attend Kirkwall Sheriff Court on the 21<sup>st</sup> of March 2025 where he was remanded.

On the 2<sup>nd</sup> of July 2025 Mr Crowther utilised Section 76 of the Criminal Procedure (Scotland) Act 1995 which allows a person to plead guilty to an indictment at an early stage of proceedings.

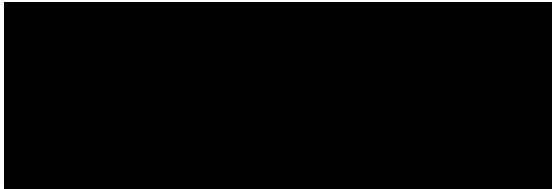
Mr Crowther was placed on the sex offenders register and subject to the sex offender notification requirements, the productions seized by police were ordered to be forfeited by Mr Crowther and on the 13<sup>th</sup> of August 2025 Mr Crowther was sentenced to 14 months in prison, sentence extended 1 year under Section 210A of the Criminal Procedure (Scotland) Act 1995.

## OFFICIAL

It is the Chief Constables view that the revocation of the Personal Licence held by Mr Crowther is appropriate.

In signing this report, I confirm that this report is made under the authority of the Chief Constable of Police Service of Scotland:

Signed:



Chief Superintendent Rob Shepherd  
Divisional Commander

Date: 11/11/2025

